

AMENDED IN SENATE APRIL 2, 2009

**SENATE BILL**

**No. 408**

---

**Introduced by Senator Padilla**

February 26, 2009

---

*An act ~~relating to state government~~ to add Section 21080.25 to the Public Resources Code, relating to the environment.*

LEGISLATIVE COUNSEL'S DIGEST

SB 408, as amended, Padilla. ~~State government: energy efficiency: California Environmental Quality Act: LEED exemption.~~

(1) *The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA provides some exemptions from its requirements.*

*This bill also would exempt from CEQA a project that has been certified as Leadership in Energy and Environmental Design (LEED) Platinum or higher pursuant to the standards and certifications adopted by the United States Green Building Council. By imposing new duties on a lead agency to determine whether that exemption applies, the bill would impose a state-mandated local program.*

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law requires that new public buildings be models of energy efficiency and be designed, constructed, and equipped with energy efficiency measures, materials, and devices, and that existing buildings be retrofitted to meet specified standards when renovated or remodeled. In addition, certain executive orders require state agencies to implement certain energy and resource efficiency standards in this regard.~~

~~This bill would express the intent of the Legislature to enact legislation that promotes standards for high efficiency construction practices within the state.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 21080.25 is added to the Public Resources*  
2     *Code, to read:*

3     21080.25. *This division does not apply to a project that has*  
4     *been certified as Leadership in Energy and Environmental Design*  
5     *(LEED) Platinum or higher pursuant to the standards and*  
6     *certifications adopted by the United States Green Building Council.*

7     *SEC. 2. No reimbursement is required by this act pursuant to*  
8     *Section 6 of Article XIII B of the California Constitution because*  
9     *a local agency or school district has the authority to levy service*  
10    *charges, fees, or assessments sufficient to pay for the program or*  
11    *level of service mandated by this act, within the meaning of Section*  
12    *17556 of the Government Code.*

13    ~~SECTION 1. In order to help the state of California further its~~  
14    ~~goals of water and energy conservation along with the more~~  
15    ~~efficient use of its existing building resources, it is the intent of~~  
16    ~~the Legislature to enact legislation that promotes standards for~~  
17    ~~high efficiency construction practices within the state.~~

18

19

20    CORRECTIONS:

21    Text—Lines 7 to 12, Page 2.

22

O